

P.1 → 14

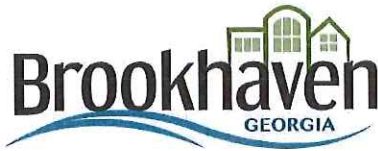


4362 Peachtree Road • Brookhaven, Georgia 30319 • (404) 637-0500 • Fax (404) 637-0500 BY www.brookhavenga.gov

Variance Application

Type	Type of Request: <input checked="" type="checkbox"/> Zoning Variance (Board) <input type="checkbox"/> Sign Variance (Board) <input type="checkbox"/> Variance (Administrative)				
	Applicable Zoning/Sign Code Section: <u>R100</u> <u>27 146 (d)</u>				
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input checked="" type="checkbox"/> Setback	(See Chart to the Right)		Front 25 <u>29.4</u>	Front <u>29.4</u>
	<input type="checkbox"/> Sign			Side <u>10</u>	Side <u>7</u>
	<input type="checkbox"/> # Parking Spaces			Rear <u>30</u>	Rear <u>30</u>
	<input type="checkbox"/> Other <u>Add screen porch</u>			Other	Other
Project	Name of Project/Subdivision: <u>Donegan Home</u>			Present Zoning:	
	Property Address/Location: <u>3028 Mabry Rd NE Brookhaven GA 30319</u>				
	District:	Land Lot:	Block:	Property ID:	
Owner Information	Name: <u>Michalene & Gerald Donegan</u>				
	Address: <u>3028 Mabry Road NE Brookhaven GA 30319</u>				
	Phone: <u>404 848 1440</u>		Fax: <u>(work fax) 404 870 8025</u>		
	Cell: <u>678 613 1212</u>		Email: <u>geraldldonegan@comcast.net</u>		
Applicant	Name: <u>Michalene & Gerald Donegan</u>				
	Address: <u>3028 Mabry Road NE Brookhaven GA 30319</u>				
	Phone: <u>404 848 1440</u>		Fax: <u>(work) 404 870 8025</u>		
	Cell: <u>678 613 1212</u>		Email: <u>geraldldonegan@comcast.net</u>		
Affidavit	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.				
	Applicant's Name: <u>Michalene Donegan Gerald Donegan</u>				
	Applicant's Signature: <u>[Signature]</u> <u>Gerald Donegan</u> <u>2/18/15</u>				
Notary	Sworn to and subscribed before me this <u>2nd</u> Day of <u>February</u>				
	Notary Public: <u>L. Dana Hall</u>				
	Signature: <u>[Signature]</u> <u>2/18/15</u>				
Office Use	Date: <u>2-2-15</u>				
	Application Received By:		Project Title:		
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 x number required*)—not required for AV <input type="checkbox"/> Legal Fee (\$10)				
	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied					Date:

* One sign is required per street frontage and/or every 500 feet of street frontage



**PRE-APPLICATION FORM
REZONING, SPECIAL LAND USE PERMIT(S) AND
VARIANCE(S)**

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (404) 637 – 0500. This form will be completed during the pre-application meeting, and must be submitted at the same time you submit your application.

Applicant: M Donegan & G. Donegan

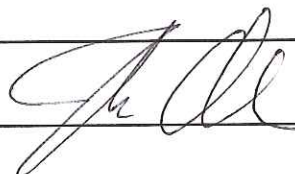
Site Address: 3028 Mabry Rd NE Parcel Size: _____

Proposal Description: Variance Request to reduce
side set back for a screen porch

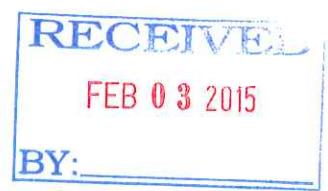
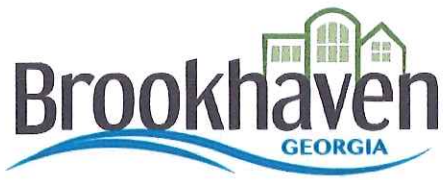
Existing Zoning Designation and Case Number: R-100

Proposed Zoning Designation: Na

Comprehensive Land Use Map Designation: Na

Planner:  Date: _____

P.5 → 14

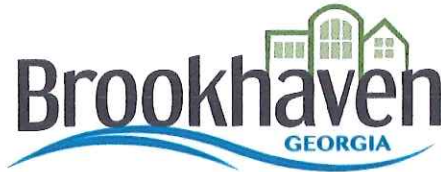


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Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner	Signature: <u>[Signature]</u>	Date: <u>2/2/15</u>	
	Address: <u>3028 Mabry Rd NE</u>	City, State: <u>Brookhaven GA</u>	Zip: <u>30319</u>
	Phone: <u>678 613 1212 / 404 848 1440</u>		
	Sworn to and subscribed before me this <u>2nd</u> day of <u>February</u> , 20 <u>15</u>		
Property Owner (If Applicable)	Notary Public: <u>[Signature]</u>		
	Signature: <u>[Signature]</u>	Date: <u>2/2/15</u>	
	Address: <u>3028 MABRY RD NE</u>	City, State: <u>Brookhaven GA</u>	Zip: <u>30319</u>
	Phone: <u>678 613 5250 / 404 848 1440</u>		
Property Owner (If Applicable)	Sworn to and subscribed before me this <u>2nd</u> day of <u>February</u> , 20 <u>15</u>		
	Notary Public: <u>[Signature]</u>		
	Signature: _____ Date: _____		
Property Owner (If Applicable)	Address: _____ City, State: _____ Zip: _____		
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
	Notary Public: _____		



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Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

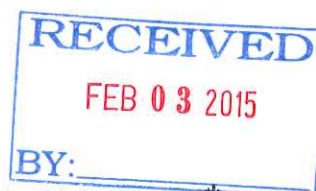
☐ YES ☒ NO

Applicant / Owner	Signature: <u>M. Doregan Gerald Doregan</u>
	Address: <u>3028 Mabry Rd NE Brookhaven GA 30319</u>
	Date: <u>2/2/15</u>

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

P. 4 → 14



LAND DESCRIPTION

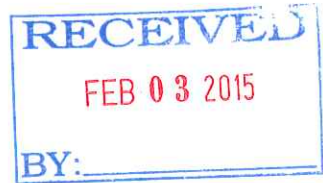
ALL THAT TRACT or parcel of land lying and being in land lot 274 of the 18th land district of DeKalb County, Georgia and being within the City of Brookhaven and known as lot 3 as shown on a plat for Jas J. Reilly Property by Watts and Browning as recorded in Plat Book 21 Page 87 and more particularly described as follows;

BEGIN at a 1" OTP on the Line between DeKalb and Fulton Counties and being 366.00' from the NW corner of land lot 274; thence leaving said line N47°19'42"E a distance of 153.60' to a ½" rebar set on the right of way of Mabry Rd (60' R/W); thence along said R/W S26°03'34"E a distance of 100.26' to a ½" rebar found; thence leaving said R/W S56°35'22"W a distance of 189.10' to a ½" rebar found on the westerly line of land lot 274 and the line common to DeKalb and Fulton Counties; thence along said county line N00°33'22"E a distance of 90.09' to a ½" rebar found and THE TRUE POINT OF BEGINNING,

Approval
April 2014 Package
Included
For information



April 25, 2014



Michalene & Gerald Donegan
3028 Mabry Road NE
Brookhaven, GA 30319

RE: ZBA14-13: 3028 Mabry Road NE, Brookhaven, GA 30319, to reduce the side yard setback from 10' to 5.2' to construct an enclosed two-car garage

Dear Donegans:

This letter serves as the final action letter in regard to the variance request referenced above. Please be advised that the Zoning Board of Appeals approved the variance as requested during their 4/16/2014 hearing, subject to the following condition:

1. Development of the subject property shall occur in accordance with the site plan submitted on March 4, 2014 to the Community Development Department.

I trust this information is sufficient for your records.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Canon", written over a light blue horizontal line.

Susan Canon

Assistant City Manager/Director of Community Development

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FEB 03 2015

Brookhaven
GEORGIAApril 2014
Package

BY: 200 Ashford Center North • Suite 150 • Dunwoody, GA 30338 • (404) 637-0500 • Fax (404) 637-0501 • www.brookhavenga.gov

Variance Application

Type	Type of Request: <input checked="" type="checkbox"/> Zoning Variance (Board) <input type="checkbox"/> Sign Variance (Board) <input type="checkbox"/> Variance (Administrative)				
	Applicable Zoning/Sign Code Section: R100 27-146 (d)				
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input checked="" type="checkbox"/> Setback	(See Chart to the Right)		Front 35'	Front 35'
	<input type="checkbox"/> Sign			Side 10'	Side 5.2'
Project	<input type="checkbox"/> # Parking Spaces			Rear 30'	Rear 30'
	<input checked="" type="checkbox"/> Other Enclose Existing			Other	Other
	Name of Project/Subdivision: Donegan Home			Present Zoning:	
	Property Address/Location: 3028 Mabry Road NE Brookhaven GA 30319				
	District:	Land Lot:	Block:	Property ID:	
Owner Information	Name: Michalene and Gerald Donegan				
	Address: 3028 Mabry Rd NE Brookhaven GA 30319				
	Phone: 404 848 1440		Fax: (work Fax) 404 870 8025		
	Cell: 678 613 1212		Email: geraldldonegan@comcast.net		
	Name: Michalene & Gerald Donegan				
Applicant	Address: 3028 Mabry Rd NE Brookhaven GA 30319				
	Phone: 404 848 1440		Fax: (work) 404 870 8025		
	Cell: 678 613 1212		Email: geraldldonegan@comcast.net		
	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.				
	Applicant's Name: Michalene Donegan				
Notary	Applicant's Signature: Michalene Donegan				
	Sworn to and subscribed before me this 15 Day of March 20 14				
	Notary Public: [Signature]				
	Signature: [Signature]				
	Date: 3/1/14				
Office Use	Application Received By:		Project Title:		Project Number:
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 x number of signs required*)—not required for AV				
	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date:		
	* one sign required per street frontage and/or every 500 feet of street frontage				

APRIL 2014

Package

MAGNETIC NORTH

Existing

NOTES:

ALL IRON PINS INDICATED AS SET (IPS) ARE 1/2" REBAR RODS.

THIS SITE IS NOT LOCATED WITHIN 500 FEET OF A NATIONAL GEODETIC SURVEY MONUMENT.

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.

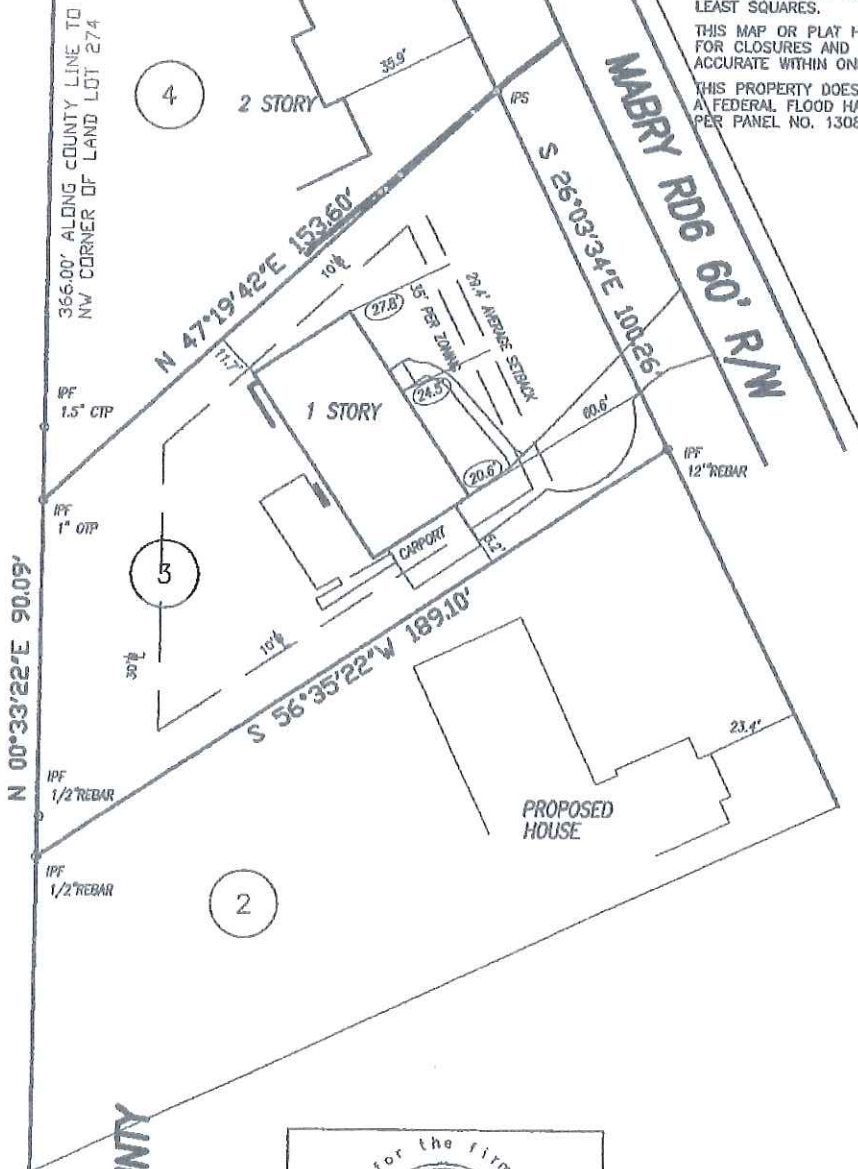
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,329 FEET AND AN ANGULAR ERROR OF 2 SECOND PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 124,963 FEET.

THIS PROPERTY DOES NOT LIE WITHIN A FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 13089C0013J 5-16-13

FEB 03 2015

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AREA
14,442 SQ. FT.
0.331 ACRES

FULTON COUNTY

DEKALB COUNTY



004 00040

This survey was prepared in conformity with THE TECHNICAL STANDARDS for PROPERTY SURVEYS in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

NOT VALID WITHOUT ORIGINAL SIGNATURE AND DATE ON SEAL. THIS DRAWING AND ANY COPIES THEREOF ARE THE PROPERTY OF CONROY & ASSOCIATES, P.C. AND SHALL NOT BE REPRODUCED OR COPIED, IN WHOLE OR IN PART, OR OTHERWISE USED WITHOUT WRITTEN PERMISSION OF THE OWNER. NO WARRANTY, EXPRESS OR IMPLIED, IS EXTENDED TO ANY UNPAID THIRD PARTY.

SCALE : 1" = 30'



SURVEY FOR:	
Micki & Gerry Donegan	
SURVEYING SERVICES BY:	
conroy & associates, P.C.	
LAND LOT: 274	SURVEYED: 1-10-14
DISTRICT: 18TH	DRAWN: 1-13-14 BY: DC
COUNTY: DEKALB	SCALE: 1"=30'
LOT 3	5885 Cumming Hwy #108-317
3028 MABRY RD	Sugar Hill, GA 30518
	404.403.5210
	conroyassoc@gmail.com
PLAT BOOK 21 PAGE 87	00003

APRIL 2014 Package

MAGNETIC NORTH

proposed

NOTES:

ALL IRON PINS INDICATED AS SET (IPS) ARE 1/2" REBAR RODS.

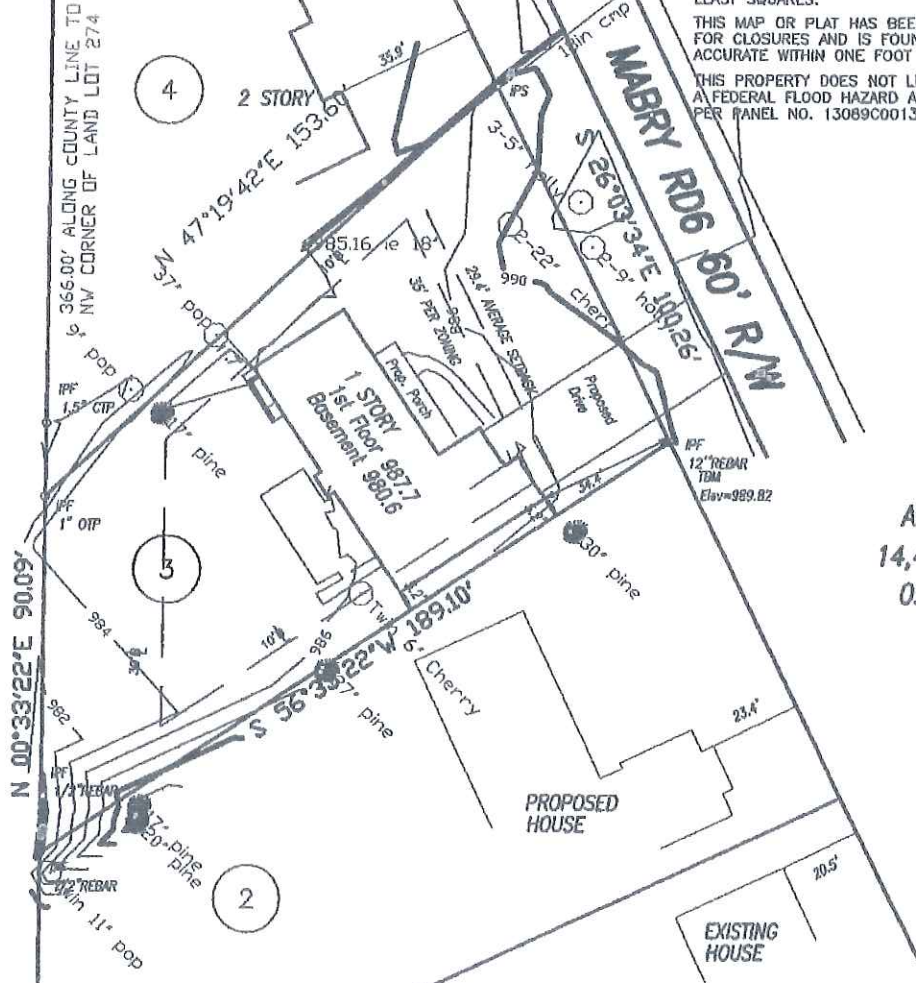
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0.331 ACRES

FULTON COUNTY

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COA 00040

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SCALE : 1" = 30'



SITE PLAN FOR:			
Micki & Gerry Donegan			
SURVEYING SERVICES BY:			
conroy & associates, P.C.			
LAND LOT: 274	SURVEYED: 1-10-14		
DISTRICT: 18TH	DRAWN: 1-13-14	BY: DC	
COUNTY: DEKALB	SCALE: 1"=30'		
LOT 3	5885 Cumming Hwy #106-317		
3028 MABRY RD	Sugar Hill, GA 30518 404.403.3218 conroyassoc@gmail.com		
PLAT BOOK 21 PAGE 87	00003		

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FEB 03 2015

April 2014 Package



NOTES:

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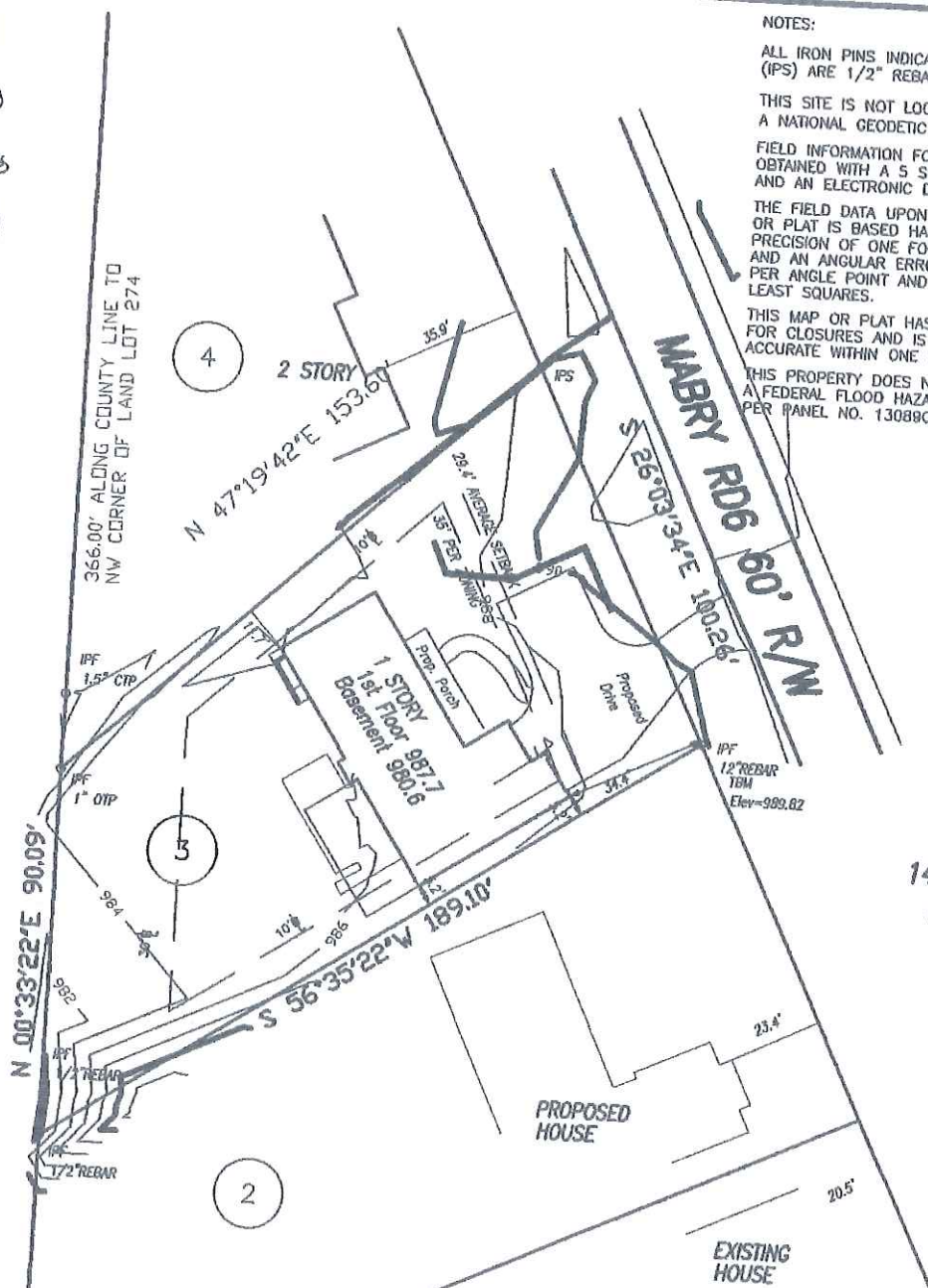
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RECEIVED

FEB 03 2015

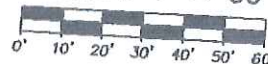
BY:



AREA
14,442 SQ. FT.
0.331 ACRES

IMPERVIOUS AREA
HOUSE 2,215 SQ. FT.
PATIO 450 SQ. FT.
PORCH 168 SQ. FT.
DRIVE & SIDEWALK 1,454 SQ. FT.
WALL 50 SQ. FT.
TOTAL 4,337 SQ. FT.
30.0% LOT COVERAGE

SCALE: 1" = 30'



FULTON COUNTY

DEKALB COUNTY



CDM 00040

This survey was prepared in conformity with THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

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SITE PLAN FOR:

Micki & Gerry Donegan

SURVEYING SERVICES BY:

conroy & associates, P.C.

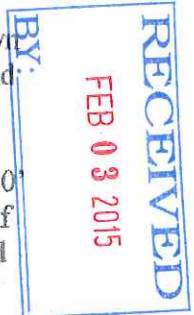
LAND LOT: 274	SURVEYED: 1-10-14
DISTRICT: 18TH	DRAWN: 1-13-14 BY: DC
COUNTY: DEKALB	SCALE: 1"=30'
LOT 3	
3028 MABRY RD	5685 Cumming Hwy #108-317 Sugar Hill, GA 30518

April 2014 ~~page~~
Package

LAND DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in land lot 274 of the 18th land district of DeKalb County, Georgia and being within the City of Brookhaven and known as lot 3 as shown on a plat for Jas J. Reilly Property by Watts and Browning as recorded in Plat Book 21 Page 87 and more particularly described as follows;

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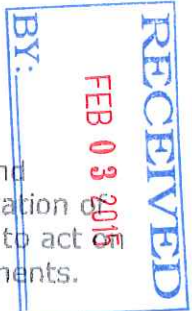


April 2014 Package



Brookhaven GEORGIA

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Property Owner(s) Notarized Certification



The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner	Signature: <u>Michaelene Degan</u>	Date: <u>3/1/2014</u>
	Address: <u>3028 Mabry Road NE</u> City, State: <u>Brookhaven GA</u> Zip: <u>30319</u>	
	Phone: <u>678 613 1212 / 404 848 1441</u>	
	Sworn to and subscribed before me this <u>1st</u> day of <u>March</u> , 20 <u>14</u>	
	Notary Public: <u>[Signature]</u> <u>L. Dana Hall</u>	
Property Owner (If Applicable)	Signature: <u>Gerald Degan</u>	Date: <u>3/1/14</u>
	Address: <u>3028 Mabry Rd NE</u> City, State: <u>Brookhaven GA</u> Zip: <u>30319</u>	
	Phone: <u>678 613 5250 / 404 848 1441</u>	
	Sworn to and subscribed before me this <u>1st</u> day of <u>March</u> , 20 <u>14</u>	
	Notary Public: <u>[Signature]</u> <u>L. Dana Hall</u>	
Property Owner (If Applicable)	Signature:	Date:
	Address:	City, State:
	Phone:	Zip:
	Sworn to and subscribed before me this _____ day of _____, 20 _____	
	Notary Public:	

April 2014
Package

Brookhaven

GEORGIA

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Campaign Disclosure Ordinance



Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.

Brookhaven GEORGIA

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Campaign Disclosure Statement



Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission? ☐ YES ☒ NO

Applicant / Owner	Signature: <u>Michalene Dargatzis Gerald Dargatzis</u>
	Address: <u>3028 Mabry Road NE Brookhaven GA 30319</u>
	Date: <u>3/1/2014</u>

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

Letter of Intent

April
2014
Package



March 3, 2014

To whom it may concern;

The Applicant is requesting a variance for the side yard setback as described on the attached site plan. The requested side yard setback is 5.2 feet versus 10 feet. Please note that the requested Variance is based upon existing conditions and the request to make the existing carport, livable, heated space of the home. The existing carport goes into the side setback 5.2 feet. The Applicant's request is to go into the side setback 4.8 feet.

By reason the shape of the subject lot, i.e., the narrowness of the subject property, the owners have no other location in which to complete renovations including constructions of a garage and therefore would be unable to enjoy the privilege of an enclosed, two car garage, which is a condition currently enjoyed by the vast majority of property owners in the area. The variance will allow the Applicant to enclose the space and make it part of the living space of the home, while allowing a two car garage to sit on the property, within all other setbacks, except as noted above, therefore the applicant believes that the requested variance does not go beyond the minimum necessary to afford relief.

There is nothing that the Applicant has requested that will be materially detrimental to the public welfare or injurious to other property located in this zoning district. The Applicant believes that the proposed design is consistent with property and improvements in the zoning district of the subject property.

A literal interpretation of the zoning provisions would prevent the Applicant from enjoying the privilege of enclosing this space as part of the enclosed area of the home and construction of a garage, which as noted above, is enjoyed by a majority of the property owners in the area. In addition, the property owners would not be able to secure vehicles inside of a garage in order to protect those assets.

Applicant believes that this requested variance is consistent with the spirit and purpose of Chapter 27 and The City of Brookhaven's Comprehensive Plan.

We thank you in advance for your consideration.

Michalene Donegan

Michalene and Gerald Donegan

Gerald Donegan

April 2014
Package

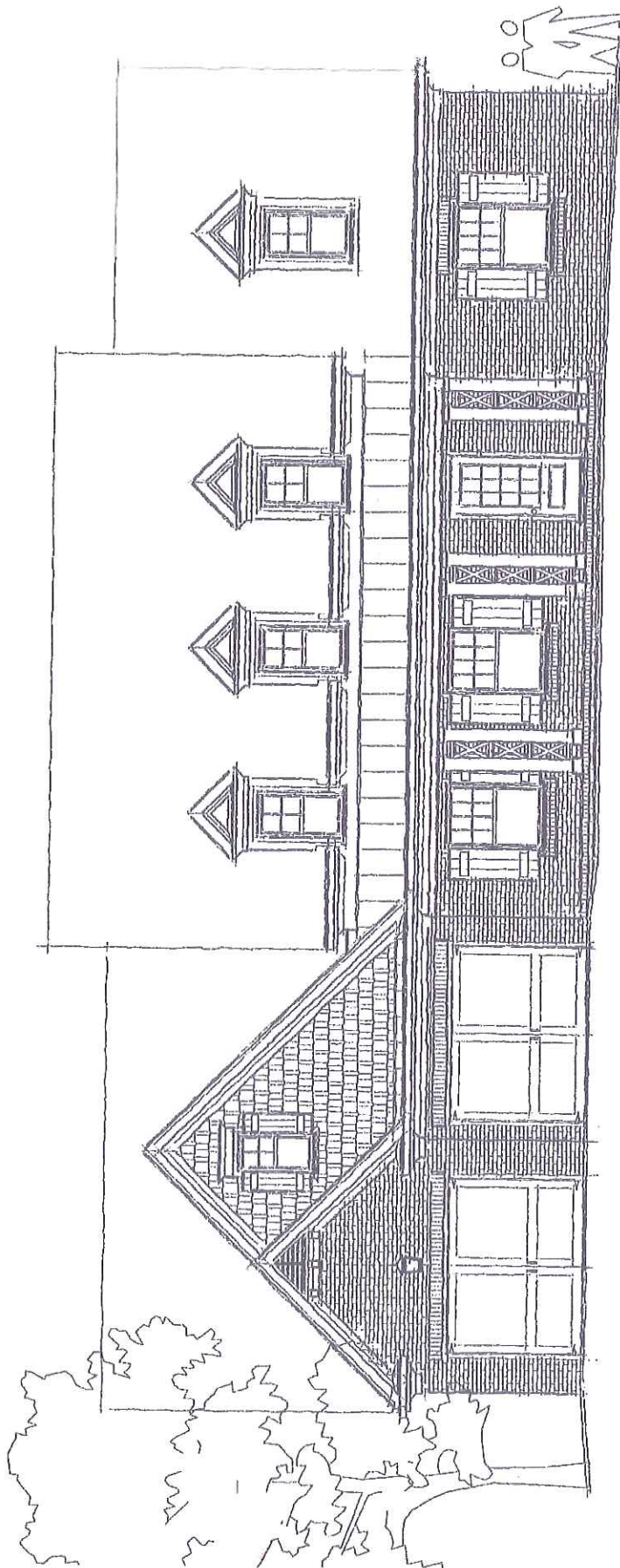


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FEB 03 2015
BY: _____

SQUARE FOOTAGE PER UNIT	
FIRST FLOOR	0000 SF
SECOND FLOOR	0000 SF
TOTAL ATTACHED SA	0000 SF
TOTAL HEATED	0000 SF
OVERALL V.D.T.	00' - 00"
OVERALL DEPTH	00' - 00"

DONEGAN REMODEL

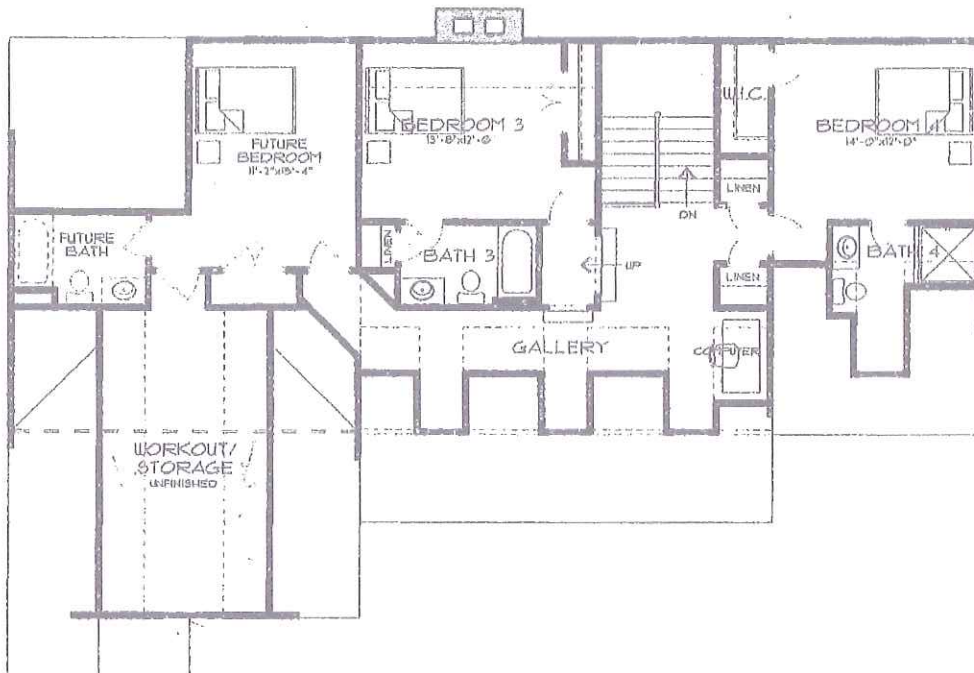


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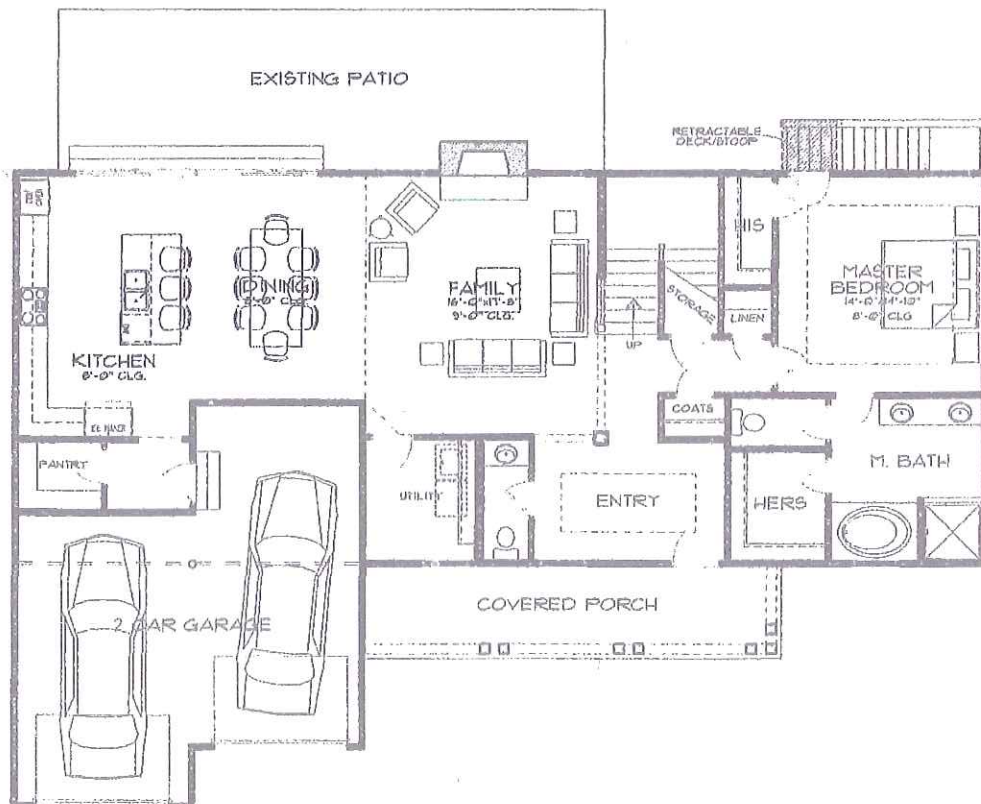
2/18/2014 10:25:41 AM



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2ND FLOOR PLAN



1ST FLOOR PLAN

DONEGAN REMODEL
1620 + 1204 = 2824 SF

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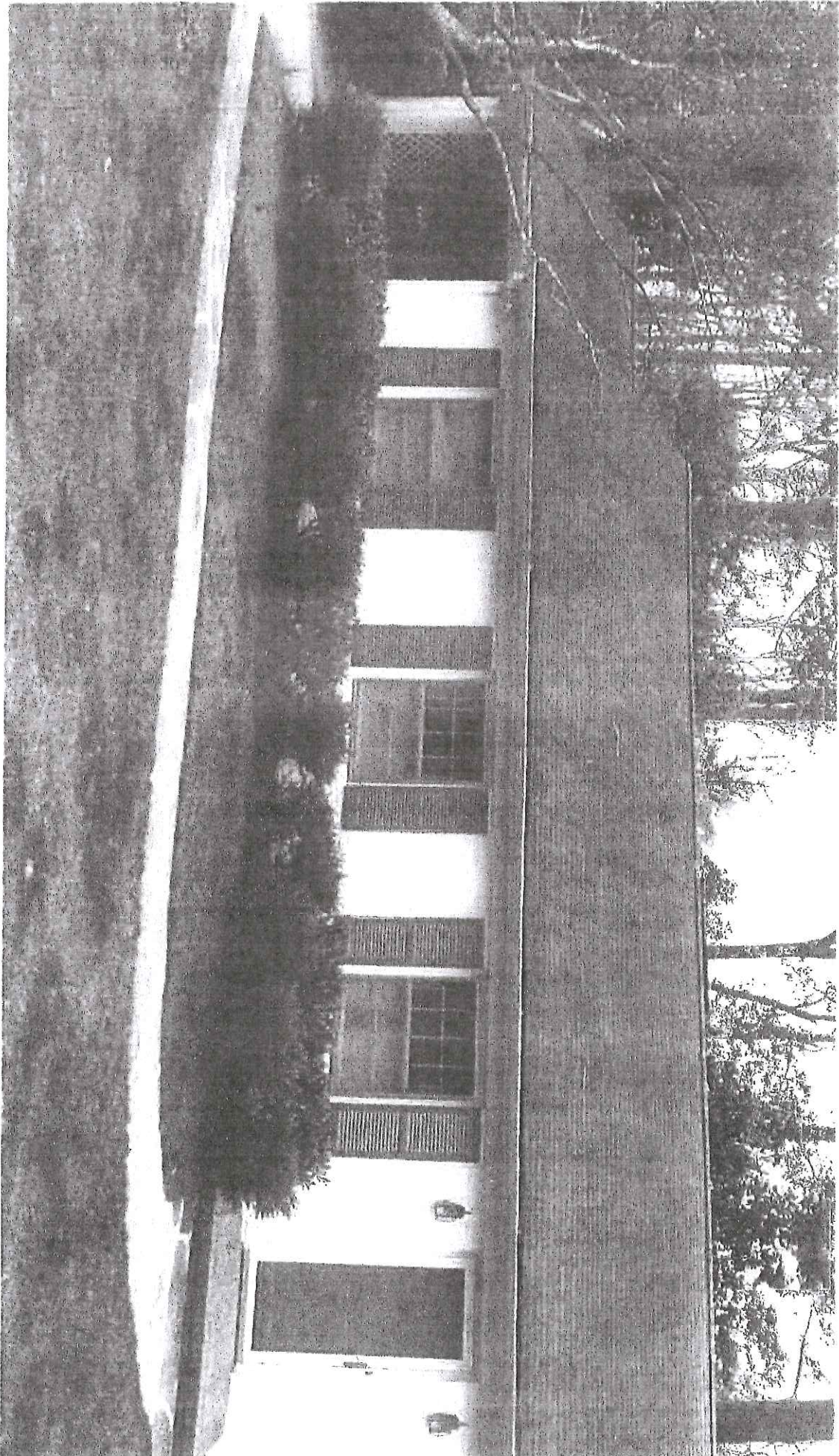
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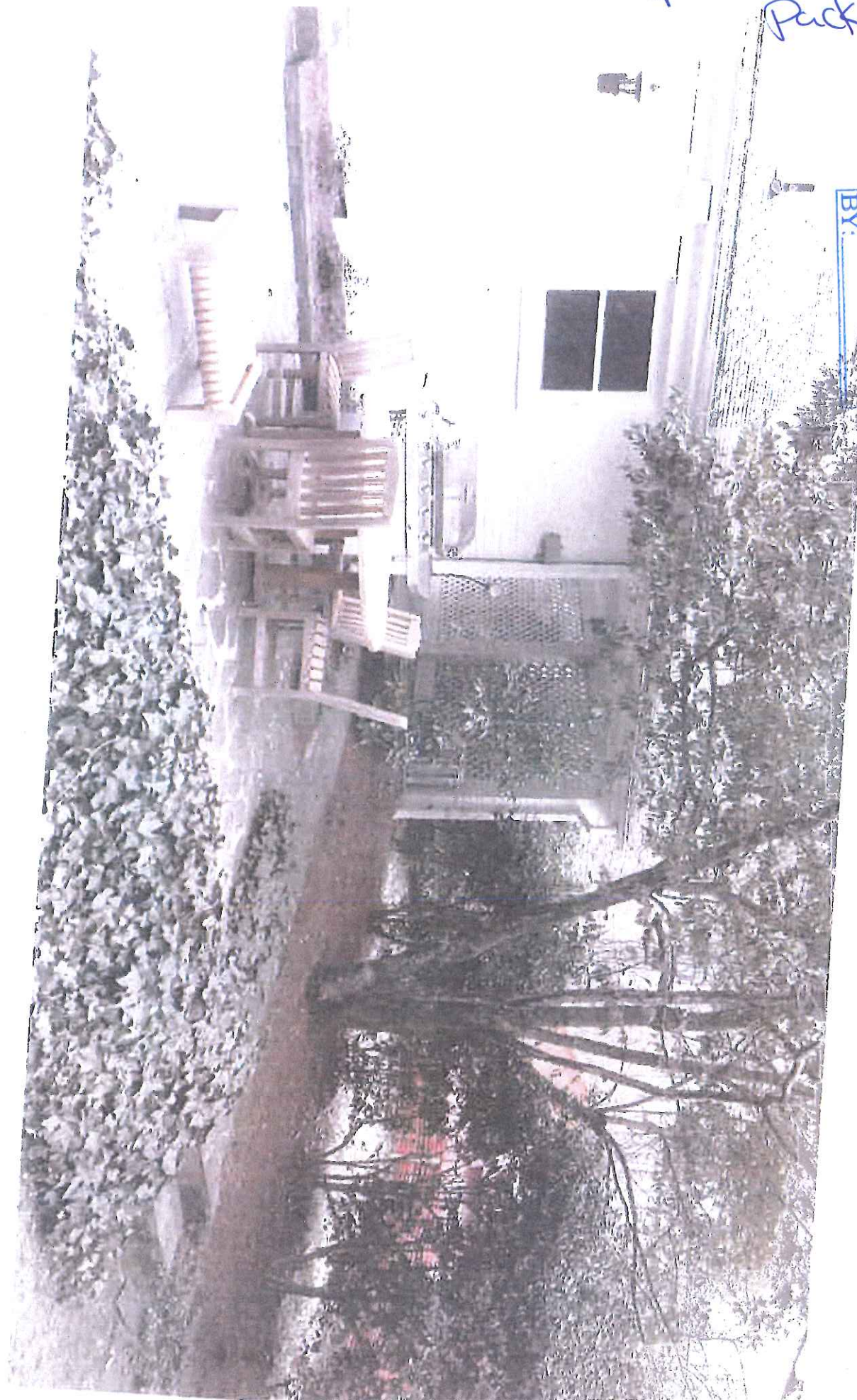
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Matt Thrash

From: "Matt Thrash" <kmthrash@windstream.net>
To: "Matt Thrash" <kmthrash@windstream.net>
Sent: Tuesday, March 04, 2014 07:48
Attach: donegan2.jpg
Subject: Donegan2

April
2014
package

Sent via the Samsung GALAXY S III, an AT&T smartphone



3/4/2014

Matt Thrash

From: "Matt Thrash" <kmthrash@windstream.net>
To: "Matt Thrash" <kmthrash@windstream.net>
Sent: Tuesday, March 04, 2014 07:45
Attach: imagejpeg_0.jpg
Subject: Donegan1

April
2014
Package

Sent via the Samsung GALAXY S4 in AT&T 4G LTE network



3/4/2014